

Order

Michigan Supreme Court
Lansing, Michigan

October 19, 2005

Clifford W. Taylor,
Chief Justice

128359

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 128359
COA: 251331
Wayne CC: 01-000516-02

ERIC LAWSON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the February 15, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE in part the judgment of the Court of Appeals, and we REMAND this case to the Court of Appeals for it to further consider whether the constitutional error in this case was harmless beyond a reasonable doubt. The Court of Appeals shall make its determination in a manner consistent with the process of assessment described in *People v Shepherd*, 472 Mich 343, 347-348 (2005), and *People v Mateo*, 453 Mich 203, 215 (1996). In all other respects the application is DENIED.

We do not retain jurisdiction.

WEAVER, J., would deny leave to appeal.



11012

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 19, 2005

Corbin R. Davis

Clerk